



"I will stand for my client's rights.
I am a trial lawyer."
-Ron Motley (1944-2013)

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January 17, 2020

VIA ELECTRONIC MAIL

Via email to ~~x~~ALLDEFENDANTS-MDL2804-Service@arnoldporter.com
All Defense Counsel

Via email to ~~s~~boranian@reedsmith.com
Steven J. Boranian
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RE: *In Re National Prescription Opioid Litigation*; Case No. 17-md-2804
Cabell County Commission and City of Huntington v. AmerisourceBergen Drug Corp., et al.,
Case Nos. 3:17-cv-01665 and 3:17-cv-01362 (S.D.W.V.) (17-op-45053 and 17-op-45054)
CT2 Plaintiff Huntington's Response to Steven Boranian's 12/31/2019 Custodian Letter

Dear Steven:

I write on behalf of the City of Huntington in response to your December 31st letter requesting the production of various requested custodial files and non-custodial documents. Exhibit A to your letter requests the production of custodial files for a total of 70 individuals. The custodians requested in this litigation should be individuals whom based on a good faith investigation are most likely to have non-cumulative discoverable information. (See Case: 1:17-md-02804-DAP; Special Master Cohen's Order on Discovery in Track One Cases, and Amending Prior Orders, paragraph 2; 9/06/18). I will address specific categories of the custodians you requested to assist us in negotiating a more reasonable number of custodians that is proportionate to the needs of the case to be produced.

First, you have requested that Plaintiff produce custodial files for multiple individuals who are not employees of the City of Huntington, but rather are employed by entities and agencies outside the possession, custody, or control of the City of Huntington. These include:

- Joyce Clark – City of Huntington City Council Member, District 1
- Charles McComas – City of Huntington City Council Member, District 2
- Alex Vence – City of Huntington City Council Member, District 3; Vice Chairman
- Jennifer Wheeler – City of Huntington City Council Member, District 4
- Tonia Kay Page – City of Huntington City Council Member, District 5
- Mark A. Bates – City of Huntington City Council Member, District 6; Chairman
- Mike Shockley – City of Huntington City Council Member, District 7



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- Tom McGuffin – City of Huntington City Council Member, District 8
- Ted V. Kluemper Jr. – City of Huntington City Council Member, District 9
- Rebecca Howe – City of Huntington City Council Member, At-Large
- Carol Polan – City of Huntington City Council Member, At-Large
- Timothy Hazelett – Cabell County Health Department Administrator
- Michelle Perdue – Cabell-Huntington Health Department Harm Reduction Coordinator
- Elizabeth Adkins – Cabell-Huntington Health Department Health and Wellness Coordinator
- Michael Kilkenny – Cabell-Huntington Health Department Physician Director, Cabell-Health Department
- Ryan Saxe – City of Huntington Superintendent of Cabell County Board of Education

As to City of Huntington city council members, city council minutes will be produced. As to the Cabell-Huntington Health Department, I refer you to Brandon Bogle's January 14, 2020 letter. As Mr. Bogle explained, while the Cabell-Huntington Health Department is not within the possession, custody, or control of the Cabell County Commission, they are working to obtain information of the Health Department employees identified in their discovery responses.

The City of Huntington is agreeable to and in the process of collecting and producing custodial files for the following individuals:

- Paul Hunter – City of Huntington Police Captain and Supervisor of Drug Task Force
- Ray Cornwell – City of Huntington Chief of Police (Interim)
- Hank Dial – City Manager
- Kathy Moore – City of Huntington Finance Director (2017-present); Budget Director (Former) (2016-2017)
- Cathy Burns – Huntington Municipal Development Authority Executive Director; Former/Acting City Manager/Director of Administration and Finance, City of Huntington (2016-2019)
- Jan Rader – City of Huntington Fire Chief; former member of Mayor's Office of Drug Control Policy
- Bryan Chambers – City of Huntington Communications Director (Mayor's Office)
- Steve Williams – City of Huntington Mayor (2013-present); City-County Task Force Addressing Heroin and Opioid Abuse Member
- Scott Lemley – City of Huntington Planning and Development Director
- Sherry Lewis – City of Huntington Human Resources Director



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However, the files for the following individuals are duplicative and cumulative in nature given the requested files of many department heads, which will present the opportunity to seek out the same information. We are willing to meet and confer on these custodians to a number reasonably proportionate to the case:

- Dan Underwood – City of Huntington Police Captain, Administrative Bureau
- Stephanie Coffey – City of Huntington Police Corporal; QRT member
- Craig Preece – City of Huntington Police Detective
- Ernie Blackburn – City of Huntington Police Detective
- Paul Minigh – City of Huntington Police Sergeant
- John Ellis – City of Huntington Police Captain
- Shane Bills – City of Huntington Police Detective
- Barbara Miller – City of Huntington City Clerk
- Teresa Ferguson-Crossan – Huntington Municipal Court, Clerk
- Justin Antle – City of Huntington Fire Deputy Chief
- Ray Canafax – City of Huntington Fire Deputy Chief
- Angie Bracey – City of Huntington Executive Assistant to the Mayor
- Breanna Shell – City of Huntington Planning Director
- Jim Insko – City of Huntington Public Works Director
- Kim Bailey – City of Huntington Purchasing Director

Furthermore, your letter identifies many requested custodians who are former employees of the City of Huntington, many of whom served in the same or similar capacity as the individuals agreed to above. We are willing to meet and confer on these custodians to a number reasonably proportionate to the case:

- Krishawna Harless –City of Huntington Mental Health Liaison/LEAD Coordinator (Former)
- Rocky Johnson –City of Huntington Police Captain (Former)
- Skip Holbrook –City of Huntington Police Chief (Former)
- Gene Baumgardner –City of Huntington Police Chief (Former)
- Jim Johnson –City of Huntington Police Chief; City of Huntington Former Director of MODCP (Former)
- Pam Chandler – City of Huntington Finance Director (Former) (2015-2017)



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- Deron Runyon – City of Huntington Finance Director (Former) (2009-2015)
- Robert Wilhelm – City of Huntington Finance Director (Former) (2001-2008)
- Rick Montgomery – City of Huntington Budget Director (Former) (2017-2017)
- Darla Bentley – City of Huntington Budget Director (Former) (2003-2016)
- Margaret Mary Layne – City Manager/Director of Administration and Finance (Former) (2014-2016)
- Brandi-Jacobs Jones – City Manager/Director of Administration and Finance (Former) (2007-2014)
- Carl Eastham – City of Huntington Fire Chief (Former)
- Creig Moore – City of Huntington Fire Chief (Former)
- Greg Fuller – City of Huntington Fire Chief (Former)
- Roger Kim Wolfe – City of Huntington Mayor (Former) (2009-2012)
- David Felinton – City of Huntington Mayor (Former) (2001-2008)
- Joe Ciccarelli – City of Huntington Police Chief (Former) (2014-2018)

The tenure of several requested custodians predates 2006. Specifically, these requested custodians were employed by the city during various times spanning from 1987-2001. These requested files are not temporally reasonably proportionate to the discovery needs in this case.

- Glenn White – City of Huntington Finance Director (Former) (1987-2001)
- David Harrington – City Manager/Director of Administration and Finance (Former) (1993-2001)
- John Queen – City of Huntington Human Resources Director (Former) (2001)
- Russel Houck – City of Huntington Human Resources Director (Former) (1995-2001)
- Jean Dean – City of Huntington Mayor (Former) (1993-2000)

Scott Damron is the city attorney for Huntington, and we would not consider him as a custodian. The City of Huntington did not list Mr. Damron as a person with discoverable knowledge. Additionally, the requested custodial files for Brandon White, the former IT Director for the city, and Kohson Perkins, the current City of Huntington IT Director, are not reasonably proportionate to the discovery needs in this case.

Further, a few of the individuals you have requested custodial files for are deceased and are duplicative and cumulative in nature.



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- Jack Thornburg – City Manager/Director of Administration and Finance (Former) (2001-2007)
- James Bumgardner – City of Huntington Human Resources Director (Former) (Interim 2001)

Finally, your letter requests information and ESI from various non-custodial sources. Plaintiff intends to continue collecting and producing documents responsive to Defendants' discovery requests on a rolling basis and remain willing to meet and confer to narrow down your list of requested custodians.

Sincerely,

Anne McGinness Kearse

cc: All Plaintiffs' Counsel, mdl2804discovery@motleyrice.com
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